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UNCLAS SECTION 01 OF 02 STATE 122654

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TAGS: [EUN](#) [PREL](#) [UNGA](#)

SUBJECT: DEMARCHING EU ON HUMAN RIGHTS THEMATIC RESOLUTIONS

[¶1](#). This is an action request. Please see paragraphs 4 through 6.

SUMMARY

[¶2](#). (U) EU members will hold a human rights coordinating meeting on September 5. They are expected to discuss plans for the UNGA Third Committee and the 6th session of the UN Human Rights Council (HRC). Department seeks EU support in ensuring that the annual report of the HRC is considered by the Third Committee before it is sent to the General Assembly Plenary. Department is also concerned about EU plans to submit a resolution calling for a moratorium on the death penalty and EU plans to submit a resolution on religious intolerance at the HRC but not at the Third Committee. Posts are requested to reach out to host governments prior to the 5 September COHOM to discuss the objectives below. Posts are then requested to follow-up.

OBJECTIVES

[¶3](#). (U) Posts are instructed to pursue the following objectives described below.

[¶4](#). HRC Report:

--Express concern over suggestions that the HRC report might be transmitted directly to the UN General Assembly Plenary, without consideration by the Third Committee.

-- Indicate that in our view, the HRC report should be only transmitted to the UNGA Plenary via the Third Committee where it can be examined in detail by those with human rights expertise.

-- Explain that this is a solid precedent established by roughly 60 years of ECOSOC reports to the Third Committee (including the annual report of the now-defunct Commission on Human Rights)

-- Indicate that for the 75 percent of UN member states that are not HRC members, the Third Committee is the only real opportunity to review, improve, or correct HRC actions. Fairness dictates that all member states have that opportunity.

-- Note that setting a precedent for no Third Committee review now could endanger WEOG states, ability in the future to counter trends at the HRC that seek to roll back human rights. Moreover, the Third Committee is often the forum of last resort for many victims of human rights. The use of this venue should not be limited by sending HRC reports directly to UNGA plenary.

[¶5](#). Capital Punishment:

-- Express agreement with and appreciation for the recent EU statements to the USG about the importance it places on avoiding transatlantic squabbles in the UN Third Committee.

-- Inform them that while we understand and respect the EU,s position on the death penalty, we hope EU member countries also understand and respect ours and that we can avoid conflict on this issue.

-- Express concern that if the EU presses forward with a resolution calling for a universal moratorium on the death penalty and stating that the death penalty is in all circumstances unlawful and objectionable, the USG will have no choice but to actively lobby against it. We cannot support a moratorium on the death penalty, as capital punishment is, for the most serious offenses, an available sanction under the laws of the United States and in many of 50 States. Explore if it is possible instead for the EU to use the resolution to insist on due process and safeguards and call on countries without such due process and safeguards to consider a moratorium. This would address actual violations of international law and the most significant human rights problems associated with capital punishment (for example, capital punishment in China).

-- Indicate to EU that if there must be a resolution, we would certainly support one that does not inaccurately suggest that the death penalty is always unlawful or

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objectionable (i.e., it could criticize such imposition of such punishment where it is not carried out pursuant to due process of law and the standard safeguards under a responsible criminal justice system in connection with imposition of the death penalty.

-- However the EU ultimately decides to proceed, the USG appreciates the EU,s commitment to a collegial approach and would hope that it would give the US an opportunity to informally comment on an EU text before it is tabled to other potential non-EU co-sponsors.

16. Other issues:

-- Inform EU interlocutors of our appreciation for the EU,s willingness to work in the Human Rights Council (HRC) on language acceptable to all parties on the Rights of the Child resolution. Note that the USG understands that the EU will propose the creation of a new Special Representative on Violence Against Children. Request that they share the text of a proposal on this subject before tabling it so we can help them fashion an appropriate mandate. Note, however, that if the usual "omnibus" Rights of the Child resolution text is tabled at the Third Committee, the U.S. will very likely call for a vote and vote against it as we have done for years.

-- Express unease about the EU planning to introduce the religious intolerance resolution only at HRC. The USG is concerned that presentation of this significant resolution only at the HRC will create a void in New York which the OIC will fill with a resolution on defamation of religion. Note that we understand the EU might consider a resolution in New York under those circumstances, and press the EU to rethink its decision to introduce this text only in Geneva.

REPORTING DEADLINE

17. (U) Posts should report results of efforts by cable to DRL/MLGA Gianni Paz and IO/RHS Amy Ostermeier by September 10.
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